IN THE HIGH COURT OF ANDHRA PRADESH
AT HYDERABAD

W.P.No.7152 of 2001

Dt.08-08-2007

Between:

P.Lakshmana Rao

..Petitioner

and

1. Deputy Superintendent of Police, Amalapuram,
   E.G. District, and others.

..Respondents

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.7152 of 2001

Oral Order:

By means of filing this writ petition under Article 226 of the Constitution the petitioner seeks a Mandamus from this Court to declare the action of the respondents in interfering with the personal liberty of the petitioner guaranteed under Articles 19 and 21 of the Constitution as arbitrary and illegal and to direct the respondents not to interfere with the personal liberty and for appropriate reliefs stating that 7 years back he started chit fund company under the name and style Sri Lakshmi Chit Funds, Lakkavaram; he suffered heart attack during August, 2000; during the said period his clerk mismanaged the affairs of the business and failed collect the instalment amounts properly, thereby he sustained huge loss; to repay the amount to the subscribers he borrowed amounts from the creditors with abnormal rates of interest and invested the same in business; due to financial crisis he also filed I.P. before the Senior Civil Judge, Razole. Even before filing of I.P. one of the subscribers filed a complaint before the 3rd respondent who registered the same as case in Cr.No.2/2001 under Section 420 IPC in which he was enlarged on bail. In spite of the same, the subordinate police officers are threatening him and his family members to see that the amounts are paid to the creditors and subscribers. The said action of the police officers is arbitrary and illegal.

The 3rd respondent filed a counter stating that Cr.No.2 of 2001 was registered even before filing I.P. for the alleged offence

under Section 420 IPC and seven cases have been registered against the petitioner under Section 420 IPC, namely, Cr.No.420/2001 dated 10-01-200; Cr.No.9/2001 dated 05-02-2001; Cr.No.24 of 2001 dated 13-03-2001; Cr.Nos.25, 26, 27 of 2001 dated 13-03-2001 and Cr.No.28 of 2001 dated 14-03-2001. During the course of investigation Section 76 of the A.P. Chit Fund Act, 1981 was also added apart from Section 420 IPC. After obtaining bail in Cr.No.2 of 2001 the petitioner is absconding and evading arrest in other crimes. The petitioner is required for obtaining his specimen signatures for the purpose of investigation as he issued receipts to the subscribers/complainants and denied the allegations that the police personnel are visiting the petitioner's house in odd hours and giving threats to pay the amounts to the subscribers.

Though this counter affidavit has been filed as early as on 06-01-2001, petitioner has not chosen to file any reply controverting the above facts. Once the crime is registered, police are duty bound to investigate into the same and file report before the appropriate court. This writ petition appears to have been filed with *mala fide* intention and with an oblique motive to stall the investigation.

The writ petition is accordingly dismissed with exemplary costs quantifying at Rs.5,000/- (rupees five thousand only) payable to the High Court Legal Services Authority, High Court Buildings, Hyderabad within four weeks from today and report compliance.

_____

A.GOPAL REDDY, J.

08-08-2007

Murthy